

UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA

DORALICIA CONTRERAS-SOLTERO, et al.,)
)
 Plaintiffs,)
)
 vs.)
)
 VOLKSWAGEN OF AMERICA, INC., et al.,)
)
 Defendants.)

Case No. 2:09-cv-01205-LDG-PAL

REPORT OF FINDINGS AND
RECOMMENDATION

This matter is before the court on Plaintiffs Doralicia Contreras-Soltero's, Olivia Soltero-Garcia's, Everardo Contreras-Soltero's, Brian Sergio Chavrin-Ramirez's, and Sergio Omar Chavarin-Ramirez's (together, "Plaintiffs") failure to comply with this court's Order (Dkt. #5) and Order to Show Cause (Dkt. #13).

On July 30, 2009, the court entered an Order (Dkt. #5) requiring Plaintiffs to file a Certificate of Interested Parties in compliance with Local Rule 7.1-1 on or before August 14, 2009. The order warned Plaintiffs that their failure to comply "may result in the issuance of an order to show cause why sanctions should not be imposed." *Id.* Plaintiffs failed to file their Certificate of Interested Parties and did not request an extension of time in which to comply with the court's Order (Dkt. #5).

On September 10, 2009, the court entered an Order to Show Cause (Dkt. #13) based on Plaintiffs' failure to comply with the court's previous Order (Dkt. #5). The court directed Plaintiffs to show cause in writing no later than September 29, 2009 why they had not complied with the court's Order (Dkt. #5). The Order to Show Cause (Dkt. #13) advised Plaintiffs that "[f]ailing to comply with the Local Rules of Practice, the Federal Rules of Civil Procedure, and the court's orders may result in sanctions, up to and including case-dispositive sanctions." Plaintiffs failed to file a response to the Order to Show Cause (Dkt. #13), and they have not requested an extension of time in which to do so.

1 Plaintiffs' willful failure to comply with the court's Orders is an abusive litigation practice that has
2 interfered with the court's ability to hear this case, delayed litigation, disrupted the court's timely
3 management of its docket, wasted judicial resources, and threatened the integrity of the court's orders
4 and the orderly administration of justice. The Certificate of Interested Parties is required for the court
5 to assess whether a conflict of interest exists which requires the assigned judge(s) to disqualify himself
6 or herself. Sanctions less drastic than dismissal are unavailable because Plaintiffs have wilfully refused
7 to comply with multiple court Orders and the Local Rules of Practice.

8 Accordingly,

9 **IT IS RECOMMENDED** that Plaintiffs' Complaint be **DISMISSED** unless Plaintiffs file the
10 Certificate of Interested Parties no later than **October 23, 2009**.

11 Dated this 5th day of October, 2009.

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14 PEGGY A. LEEN
15 UNITED STATES MAGISTRATE JUDGE
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